

WASHINGTON COUNTY JUSTICE COURT, WASHINGTON COUNTY, UTAH 6/1/06  
**NON-APPEARANCE RIGHTS, INSTRUCTIONS, AND WAIVER FORM**

Defendant: \_\_\_\_\_ Case No.: \_\_\_\_\_ Bail: \$ \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

**OPTIONS / PLEAS:** At arraignment, you may plead not guilty, not guilty by reason of insanity, guilty and mentally ill, guilty, or no contest (a no-contest plea means you do not challenge the charge; it is still a conviction). If you do not want to appear at arraignment, you may: 1) read and complete this form, plead not guilty to all charges, and request that the case be set for trial; or 2) read and complete this form, request the court to waive any mandatory appearance and allow you to voluntarily forfeit bail on all charges (the forfeiture will be entered as a conviction and treated the same as if you pleaded guilty).

**RIGHTS:**

- a) You have the right to be represented by an attorney. The court will appoint an attorney at no cost to you if: i) you cannot afford an attorney; and ii) there is the possibility of a jail sentence for the offense. Later, you may have to pay for the appointed attorney's service if the court determines you are able to do so.
  - b) You have the right to represent yourself. If you do so, the court cannot advise you on how to handle your case, and you will be required to comply with technical legal rules. Presenting a defense is not just a matter of telling your story. In general, you would be better represented by an attorney than by yourself.
  - c) You have the right to a speedy public trial before an impartial jury. If you want a jury trial, you must make a written demand at least 10 days prior to trial. You are not entitled to a jury trial if you are charged only with an infraction.
  - d) You have the right to confront and cross-examine the prosecution witnesses in open court.
  - e) You have the right to call witnesses and compel by subpoena their attendance and testimony. If you cannot afford to pay for the attendance of witnesses, the prosecution will pay those costs.
  - f) You have the right to testify on your behalf. Any statement you make may be used against you. You may refuse to testify, and no one can make you testify or give evidence against yourself. Your refusal to testify cannot be held against you.
  - g) You are presumed innocent until: i) you plead guilty or no contest; or ii) the prosecution proves you guilty. The prosecution has the burden of proving each of the elements of the crime beyond a reasonable doubt. A jury verdict must be unanimous.
  - h) You have the right to bail. If you post bail, you will be released on: i) the condition you appear in court for future proceedings; and ii) any other conditions the court imposes. Bail may be modified on proper motion, notice, and findings.
- If you plead guilty or no contest, these rights are waived, and your plea constitutes an admission of all the elements of the crime.

**WITHDRAWAL OF PLEA / APPEAL:** A motion to withdraw a guilty or no-contest plea must be made before sentence is announced. For a plea in abeyance, a motion to withdraw the plea must be made within 30 days of pleading. You will only be allowed to withdraw your plea if you show that it was not knowingly and voluntarily made. Any challenge to your plea(s) made after sentencing must be pursued under the Utah Rules of Civil Procedure and Title 78 of the Utah Code. The right to appeal is limited. If you choose to appeal, you must file a written Notice of Appeal within 30 days of the sentence or order from which you are appealing.

**SENTENCING:** Any recommendation as to sentence is not binding on the court. The court may order any sentences to run consecutively (one after the other) with the charges in this case and with any other case.

**PENALTIES (MINIMUM / MAXIMUM SENTENCES):** Class B Misdemeanor (0 days / 6 months jail, \$0 / \$1,882 fines, surcharges, and fees); Class C Misdemeanor (0 days / 90 days jail, \$0 / \$1419.50 fines, surcharges, and fees); Infraction (no jail, \$0 / \$1419.50 fines, surcharges, and fees).

*I have read and I understand the foregoing rights and instructions. I knowingly and voluntarily waive my right to an attorney at this time. **I plead not guilty** to all charges. I understand that this case will be set for a bench trial. I understand that for the trial and any future proceeding, I must: 1) represent myself; 2) hire an attorney; or 3) if I cannot afford an attorney, request a court-appointed attorney by filing an indigence affidavit at least 10 days before the proceeding.*

\_\_\_\_\_ (Date) \_\_\_\_\_ (Defendant)

*I have read and I understand the foregoing rights and instructions. I knowingly and voluntarily waive my right to an attorney at this time. **I request the court to waive any mandatory appearance and allow me to voluntarily forfeit the bail on all charges.***

\_\_\_\_\_ (Date) \_\_\_\_\_ (Defendant)